

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL NO. 1:06CR265

UNITED STATES OF AMERICA

VS.

ARMANDO DESPAIGNE

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ORDER

THIS MATTER is before the Court on the Magistrate Judge's Memorandum and Recommendation, filed August 24, 2007.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding the Defendant's competence to stand trial. The parties were advised that any objections to the Magistrate Judge's findings were to be filed in writing within 14 days of service of the Recommendation; the period within which to file objections expired on September 10, 2007. No written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, as well as the forensic report of Defendant's evaluation submitted by the Elissa R. Miller, Psy.D., Forensic Psychologist and Cristina Liberati, Ph.D., Acting Chief Psychologist, of the Metropolitan Correctional Center, in New York, New York, the Court finds that the Defendant is presently suffering from a mental disease or defect which prevents him from understanding the nature and consequences of the proceedings against him or to assist properly in his own defense. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the Defendant be committed to the custody of the Attorney General for hospitalization for a reasonable period of time, not to exceed three months, in order that he receive additional care that may result in him attaining the mental capacity to permit the trial to proceed.

IT IS, THEREFORE, ORDERED that the Magistrate Judge's recommendation and his Order filed August 23, 2007, are hereby **AFFIRMED.**

IT IS FURTHER ORDERED that the United States Marshal transport the Defendant to the appropriate medical facility forthwith so that treatment may continue/resume.

Signed: September 13, 2007

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg
United States District Judge

